IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I. T. R NO. 22 OF 1998
DECIDEDON : 20.12.2007

Haryana Financial Corporation

...Applicant

versus

Commissioner of Income Tax

...Respondent

CORAM : HON'BLE MR. JUSTICE M. M. KUMAR
HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. S. K. Mukhi, Advocate,
for the assessee.

Mr. Yogesh Pandey, Advocate,
for the revenue.

M.M.KUMAR, J.

At the instance of the assessee-petitioner, the Tribunal has entered an application under Section 256 (1) and has referred a following question of law for the opinion of this Court :-

1. Whether the Income Tax Appellate Tribunal was justified in law in upholding the rectification under Section 154 when the matter was clearly debatable ?

2. Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was justified in confirming the interest charged against the provisions of Section 215/217 ?

When the matter came up for consideration, the hearing has to be adjourned on number of occasions for the filing of printed paper book. Eventually, printed paper book was filed after we have granted one last opportunity, imposing costs of Rs. 2500/-. Even then, the counsel for the assessee has not filed the order passed under Section 154 of the Act for rectification. Again last opportunity was granted and the order now placed on record is order dated 22.09.1989 and still the order dated 20.12.1988 passed under Section 154 on the application of assessee, has not been produced.

In view of the above, it is not possible for us to adjourn the case once again. Accordingly, the question is returned as unanswered.

(M. M. KUMAR)
JUDGE

(RAKESH KUMAR JAIN)
JUDGE

DECEMBER 20, 2007